

1099

SHIRLEY V. REMMERT, PRO SE
990 Berkeley Avenue
Menlo Park, CA 94025
Tel: 650-921-8820
Message: 650-521-0571

E-filing FILED

MAR 5 - 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 08

1404

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

San Francisco

CV 08

8001

MISC

In Re
Shirley Venoya Remmert

DEBTOR'S NOTICE OF APPEAL OF
ORDER FROM BANKRUPTCY COURT
RE DISMISSAL OF CASE FOR FAILURE TO
SUBMIT PAYMENT PLAN

MOTON FOR STAY OF FORECLOSURE
OF PROPERTIES WAS FILED IN RELATED
APPEAL.

CASE NO. 07-31336-TEC13
(ADVERSARIAL COMPLAINT NO. 07-3121)

HON. THOMAS E. CARLSON

ORIGINAL

I, Debtor Shirley Venoya Remmert, hereby file a notice of appeal of the attached order from Bankruptcy Court re the court's dismissal of the case before reviewing pertinent pleadings; namely, my application for a conversion to a Chapter 11 filing from a Chapter 13, my motion for permission to file with a fee waiver, and my filed adversarial complaint explaining the impossibility of a payment plan because of money allegedly owed to me by certain creditors.

The order for dismissal is attached.

My motion for STAY OF FORECLOSURE of properties was filed in a related

1
2 appeal in this court "Notice of Appeal of Order from Bankruptcy Court re Denied Relief
3 for Business Partner".

4 I declare that the above statement is true and correct under the penalties for
5 perjury of the federal laws.
6

7
8 DATE: *January 28, 2008*

9
10 
11 Shirley V. Remmet
Appellant

Case 4:08-cv-01404-CW Document 1 Filed 03/05/2008 Page 3 of 5
DAVID BURCHARD
CHAPTER 13 TRUSTEE
P.O. BOX 8059
FOSTER CITY, CA 94404
(650) 345-7801 FAX (650) 345-1514
(707) 544-5500 FAX (707) 544-0475

Entered on Docket
January 11, 2008
GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: January 10, 2008

A handwritten signature in black ink, appearing to read "T. E. Carlson", is written over a horizontal line.

THOMAS E. CARLSON
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
Northern District of California

In Re: SHIRLEY VENOYA REMMERT
Debtor(s)

Case No. : 07-3-1336 SFC'13
Chapter: 13

ORDER DISMISSING CHAPTER 13 CASE AND NOTICE

- ☒ The Debtor(s) having failed to make plan payments
- ☐ The Debtor(s) having failed to comply with the Trustee's reasonable requests for information
- ☐ The Debtor(s) having failed to appear
- ☐ The Trustee having filed a motion to dismiss
- ☐ The Court having determined that the debtor(s) is/are not eligible for Chapter 13
- ☐ The Court having determined that the debtor(s) is/are unable to propose a confirmable plan

IT IS ORDERED THAT the above captioned Chapter 13 case is dismissed.

****END OF ORDER****

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CERTIFICATE OF SERVICE

I hereby certify that I caused the within documents:

**DEBTOR'S NOTICE OF APPEAL OF ORDER FROM BANKRUPTCY COURT RE
DISMISSAL OF CASE FOR FAILURE TO SUBMIT PAYMENT PLAN/ MOTION FOR
STAY OF FORECLOSURE OF PROPERTIES WAS FILED IN RELATED APPEAL.**

Superior Court Case No.

Appeals Court Case No.

U. S. Bankruptcy Court Case No. **07-31336-TEC13** (Adversarial Complaint No. **07-3121**)

to be served on the party(ies) in this action:

See page 2 of 2.

1 (By Personal Service). I, **Shirley V. Remmert**, caused each such envelope to be delivered by hand on the date below to the person or offices of each addressee indicated by the corresponding number or symbol on the following page or above.

2, 4, 5 (By First-Class Mail, in the U. S. Post Office), I, **A. Garcia**, caused each such envelope to be mailed on the date below in the U.S. Post Office in Menlo Park to each addressee indicated by the corresponding number on the continued page or above. *I, Arturo Garcia, am a self-employed agent over 18 years of age and I am not a party in this case. My business address is 21 Coleman Place, Menlo Park, CA 94025.*

(By Facsimile), I caused each such document to be sent by facsimile to the person or offices of each addressee indicated by a said symbol.

(By Telephone), I gave a notice to a person or answering machine. The particulars are as follows:

Continued on page 2 of 2.

SERVICE LIST FOR NO. 07-31336-TEC13

- (1) Irvin W. Fegley (Attorney for Plaintiff Delfin M. Venoya), 626 Jefferson Avenue, Suite 7, Redwood City, CA 94063; Tel: 650-568-1907; Fax: 650-568-1607;
- (2) Michael Tannat (House Counsel for Washington Mutual Bank), Mail Stop N110701, 9200 Oakdale Avenue, Chatsworth, CA 91311; Tel: (818) 775-3663; Fax: (818) 349-2734;
- (3) California Reconveyance Company (Trustee for Washington Mutual Bank), 9200 Oakdale Avenue, Mail Stop: N110612, Chatsworth, CA 91311; Tel: 714-259-7850; 714-573-1965;
- (4) Steven W. Pite (Attorney for Wells Fargo Bank), 525 E. Main Street, P. O. Box 12289, El Cajon, CA 92022-2289; Tel: (619) 590-1300; Fax: (619) 590-1385;
- (5) David Burchard, Trustee of U. S. Bankruptcy Court, P. O. Box 8059, Foster City, CA 94404, Tel: 650-345-7801; Fax: 650-345-1514.

I declare that the above statements are true and correct under the penalties for perjury of the federal laws.

<p>2/2/2008 <u>January 29, 2008</u> Date <i>SVR</i></p>	<p><u><i>Shirley V. Remmert</i></u> Shirley V. Remmert</p>
<p>2/2/2008 <u>1-29-08</u> Date <i>X</i></p>	<p><u><i>A. Garcia</i></u> A. Garcia</p>

CIVIL COVER SHEET

JS 44 (Rev. 12/07) (and rev 1-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

IN RE THE MATTER OF
SHIRLEY VEMOYA REMMERT

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

SAN MATEO

(c) Attorney's (Firm Name, Address, and Telephone Number)

SHIRLEY REMMERT, ET PRO SE
990 BERKELEY AVE.
MENLO PARK, CA 94025 (TEL: 650-921-8820; MESSAGE: 650-521-0571)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

☒ U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
☒ U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

422 Appeal 28 USC 158

Brief description of cause:

APPEALING DENIED RELIEF FOR BUSINESS PARTNER

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE

"NOTICE OF RELATED CASE". RELATED "NOTICE OF APPEAL" AGAINST DISMISSAL

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE

FEB 2, 2008

SIGNATURE OF ATTORNEY OF RECORD

Shirley V. Remmert, Pro Se

FILED

MAR - 5 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 08

1404

CW

ACE

IN RE: SHIRLEY VENOYA REMMERT

No. C 08-8001³ MISC MHP

Plaintiff.


ORDER

This court hereby GRANTS plaintiff leave to file her action in the above captioned matter.
The action stems from a decision by the bankruptcy court dismissing plaintiff's Chapter 13 action.
Therefore, the Clerk of the Court shall file the complaint and other papers submitted in this matter.

IT IS SO ORDERED.

Dated:

3/4/08


MARILYN HALL PATEL
United States District Court Judge
Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SHIRLEY V REMMERT,

Case Number: MISC 08-80014 MHP

CERTIFICATE OF SERVICE

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Shirley V. Remmert
990 Berkeley Avenue
Menlo Park, CA 94025

Dated: March 5, 2008

Richard W. Wieking, Clerk
By: Anthony Bowser, Deputy Clerk